

1 William J. Robinson (State Bar No. 83729)
2 Victor de Gyarfas (State Bar No. 171950)
3 Grant E. Kinsel (State Bar No. 172407)
FOLEY & LARDNER LLP
4 2029 Century Park East, 35th Floor
5 Los Angeles, California 90067-3021
6 Tel: 310-277-2223; Fax: 310-557-8475

7 Kenneth S. Klein (State Bar No. 129172)
FOLEY & LARDNER LLP
8 402 W. Broadway, Suite 2100
9 San Diego, CA 92101-3542
10 Tel: 619-234-6655; Fax: 619-234-3510

11 Scott H. Kaliko, *Pro Hac Vice*
KALIKO & YEAGER, LLC
12 500 N. Franklin Turnpike
13 Ramsey, NJ 07446
14 Telephone: (201) 831-0575

15 Attorneys for **FRISKIT, INC.**

16 **QUINN EMANUEL URQUHART OLIVER & HEDGES LLP**
17 Charles K. Verhoeven (Bar No. 170151)
18 David A. Perlson (Bar No. 209502)
19 Deepak Gupta (Bar No. 226991)
20 50 California Street, 22nd Floor
21 San Francisco, CA 94111
22 Tel.: 415-875-6600; Fax: 415-857-6700

23 Evette D. Pennypacker (Bar No. 203515)
24 555 Twin Dolphin Drive, Suite 560
25 Redwood Shores, CA 94065
26 Tel.: 650-801-5000; Fax: 650-801-5100

27 Attorneys for **REALNETWORKS, INC. and LISTEN.COM**

28 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA**

20 **FRISKIT, INC.**, a Delaware corporation

21 Case No: 3:03-cv-05085-WWS

22 Plaintiff,

23 **PRETRIAL
24 PREPARATION SCHEDULE**

vs.

25 **Judge: William W Schwarzer**

26 **REALNETWORKS, INC.**, a Washington
27 corporation; **LISTEN.COM**, a California
28 corporation

Defendants.

- 1 A. April 11, 2007 -- Friskit to lodge and serve list of no more than 8 asserted claims
 2 for trial.
- 3 B. April 27, 2007 -- Friskit to lodge and serve complete statements of expert
 4 testimony for all testifying experts, except for expert testifying as to damages.
- 5 C. May 2, 2007 -- Real to Supplement Damages Discovery.
- 6 D. May 11, 2007 -- Real to lodge and serve complete statements of expert testimony
 7 for all experts, except for expert testifying as to damages (see B. above).
- 8 E. May 16, 2007 -- Last date for Damages Expert depositions.
- 9 F. May 25, 2007 -- Friskit to lodge and serve complete statements of damages expert
 10 testimony (see B. above).
- 11 G. June 8, 2007 -- Friskit and Real to file and serve trial briefs listing (1) each
 12 witness to be called, together with a summary of his/her testimony; (2) designation of deposition
 13 excerpts; and (3) all exhibits to be offered (see Federal Rule of Civil Procedure 26(a)(3)).
- 14 H. June 8, 2007 -- Friskit to lodge and serve proposed Jury Instructions.
- 15 I. June 8, 2007 -- Friskit and Real to lodge and serve proposed jury voir dire
 16 questions and joint statement regarding case to present to jurors.
- 17 J. June 8, 2007 -- Friskit and Real to submit any stipulations.
- 18 K. June 8, 2007 -- Friskit and Real to exchange visual aids and demonstrative
 19 exhibits.
- 20 L. June 11, 2007 -- Real to lodge and serve complete statements of damages expert
 21 testimony (see B. above).
- 22 M. June 15, 2007 -- Exchange of Physical Copies of Proposed Exhibits.
- 23 N. June 15, 2007 -- Real to lodge and serve proposed Jury Instructions (avoiding
 24 duplication with Friskit Instructions acceptable to Real).
- 25 O. June 20, 2007 -- Friskit and Real to file and serve (1) objections to evidence
 26 and/or visual aids and demonstrative exhibits; (2) claims of privilege; and (3) motions in limine
 27 (see Federal Rule of Civil Procedure 26(a) (3)).
- 28 P. June 25, 2007 -- Oppositions to Motion in Limine.

1 Q. July 3, 2007, 9:30 a.m., Courtroom 14, 450 Golden Gate Avenue, 18th Floor, San
2 Francisco, California -- Final Pretrial Conference.

3 R. July 16, 2007, 9:30 a.m., Courtroom 14, 450 Golden Gate Avenue, 18th Floor,
4 San Francisco, California -- Trial.

5
6 Dated: May 3, 2007
7
8


WILLIAM W SCHWARZER
Senior United States District Judge

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28